

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Brodbeck et al.

Serial No.: 10/648,759

Filed: August 25, 2003

For: IMPLANTABLE GEL
COMPOSITIONS AND METHODS OF
MANUFACTURE

Confirmation No.: Unknown

Examiner: Unknown

Group Art Unit: Unknown

Attorney Docket No.: ARC 2882 N1
(3139-6225.1US)

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

May 23, 2005
Date

Signature

Denise Dyer
Name (Type/Print)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 or PTO/SB/08 be considered by the Examiner and made of record. Copies of U.S. patents are not being submitted pursuant to M.P.E.P. 609 III A(2). Copies of foreign patent documents and non-patent literature are enclosed pursuant to 37 C.F.R. § 1.98(a)(2).

In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission

that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b). Further, no representation is made by Applicants herein that no other possible material information as defined in 37 C.F.R. § 1.56(b) exists.

U.S. Patent Documents

<u>U.S. Patent No.</u>	<u>Publication Date</u>	<u>Patentee</u>
US - 4,341,759	07/27/1982	Bogentoft et al.
US - 4,351,825	09/28/1982	Sothmann et al.
US - 4,443,340	04/17/1984	May et al.
US - 4,650,665	03/17/1987	Kronenthal et al.
US - 4,851,220	07/25/1989	Yim et al.
US - 4,938,763	07/03/1990	Dunn et al.
US - 5,019,400	05/28/1991	Gombotz et al.
US - 5,085,866	02/04/1992	Cowsar et al.
US - 5,162,057	11/10/1992	Akiyama et al.
US - 5,242,910	09/07/1993	Damanj
US - 5,278,201	01/11/1994	Dunn et al.
US - 5,310,865	05/10/1994	Enomoto et al.
US - 5,474,980	12/12/1995	Mitchell
US - 5,556,905	09/17/1996	Frappier et al.
US - 5,599,552	02/04/1997	Dunn et al.
US - 5,620,700	04/15/1997	Berggren et al.
US - 5,628,993	05/13/1997	Yamagata et al.
US - 5,651,986	07/29/1997	Brem et al.
US - 5,654,010	08/05/1997	Johnson et al.
US - 5,656,297	08/12/1997	Bernstein et al.
US - 5,662,933	09/02/1997	Baichwal et al.
US - 5,674,534	10/07/1997	Zale et al.

Serial No. 10/648,759

US – 5,759,563	07/02/1998	Yewey et al.
US – 5,780,448	07/14/1998	Davis
US – 5,783,214	07/21/1998	Royer
US – 5,952,232	09/14/1999	Rothman
US – 6,025,337	02/15/2000	Truong et al.
US – 6,107,276	08/22/2000	Carli et al.
US – 6,130,200	10/10/2000	Brodbeck et al.
US – 6,183,781 B1	02/06/2001	Burke
6,207,199 B1	03/27/2001	Allen et al.
6,432,438 B1	08/13/2002	Shukla

Foreign Patent Documents

<u>Document No.</u>	<u>Publication Date</u>	<u>Patentee</u>
WO 94/05257	03/17/1994	Hoeg et al.
WO 95/27481	10/19/1995	Yewey et al.
WO 96/08243	03/21/1996	Moeckel et al.
WO 97/16172	05/19/1997	Baichwal et al.
WO 98/26359	06/18/1998	Stedman et al.
WO 98/27963	07/02/1998	Brodbeck et al.
WO 98/43555	10/08/1998	Ottoboni et al.
WO 99/47128	09/23/1999	Timmins et al.

Other Documents

FALK et al., J. of Controlled Release, 44, 77-85.

FOLDVARI, et al., "Clinical Observations with Topical Liposome-Encapsulated Interferon Alpha For The Treatment Of Genital Papillomavirus Infections," Journal of Liposome Research, 7(1), pgs. 155-1 26 (1977).

MESIHA, et al., "Hypoglycaemic effect of oral insulin preparations containing Brij 35, 52, 58 or 92 and stearic acid," J. Pharm. Pharmacol., 33, pgs. 733-734 (1981).

Serial No. 10/648,759

REMINGTON'S Pharmaceutical Sciences, Eighteenth Edition, pages 1647 1653 (1990), Mack Publishing Company, Easton, Pennsylvania.

WESTERBERG et al., International J. of Pharmaceutics, 69, 129-141.

International Search Report dated 01/05/2001 (4 pages).

Applicants offer to supply any explanation or discussion of the documents that the Examiner feels is necessary or desirable and which is requested.

This Information Disclosure Statement is believed to be filed before the mailing date of a first Office Action on the merits; therefore, no fee is due.

Respectfully submitted,



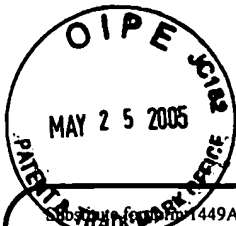
Edgar R. Cataxinos
Registration No. 39,931
Attorney for Applicants
TRASKBRITT
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: May 23, 2005

ERC/dlm:dn

Enclosures: Form PTO-1449 or PTO/SB/08
Copies of non-US Cited Documents

Document in ProLaw



PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO Form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 3

Complete if Known

Application Number	10/648,759
Filing Date	August 25, 2003
First Named Inventor	Brodbeck et al.
Group Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	ARC 2882 N1 (3139-6225.1US)

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US-4,341,759	07/27/1982	Bogentoft et al.	
		US- 4,351,825	09/28/1982	Sothmann et al.	
		US- 4,443,340	04/17/1984	May et al.	
		US- 4,650,665	03/17/1987	Kronenthal et al.	
		US- 4,851,220	07/25/1989	Yim et al.	
		US- 4,938,763	07/03/1990	Dunn et al.	
		US- 5,019,400	05/28/1991	Gombotz et al.	
		US- 5,085,866	02/04/1992	Cowsar et al.	
		US- 5,162,057	11/10/1992	Akiyama et al.	
		US- 5,242,910	09/07/1993	Damanj	
		US- 5,278,201	01/11/1994	Dunn et al.	
		US- 5,310,865	05/10/1994	Enomoto et al.	
		US- 5,474,980	12/12/1995	Mitchell	
		US- 5,556,905	09/17/1996	Frappier et al.	
		US- 5,599,552	02/04/1997	Dunn et al.	
		US- 5,620,700	04/15/1997	Berggren et al.	
		US- 5,628,993	05/13/1997	Yamagata et al.	
		US- 5,651,986	07/29/1997	Brem et al.	
		US- 5,654,010	08/05/1997	Johnson et al.	
		US- 5,656,297	08/12/1997	Bernstein et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		WO 94/05257	03/17/1994	Hoeg et al.		
		WO 95/27481	10/19/1995	Yewey et al.		
		WO 96/08243	03/21/1996	Moeckel et al.		
		WO 97/16172	05/19/1997	Baichwal et al.		
		WO 98/26359	06/18/1998	Stedman et al.		
		WO 98/27963	07/02/1998	Brodbeck et al.		
		WO 98/43555	10/08/1998	Ottoboni et al.		
		WO 99/47128	09/23/1999	Timmins et al.		

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				<i>Complete if Known</i>	
				Application Number	10/648,759
				Filing Date	August 25, 2003
				First Named Inventor	Brodbeck et al.
				Group Art Unit	Unknown
				Examiner Name	Unknown
				Attorney Docket Number	ARC 2882 N1 (3139-6225.1US)
Sheet	2	of	3		

[illegible][illegible]

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.**

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 3 of 3

Complete if Known

Application Number	10/648,759
Filing Date	August 25, 2003
First Named Inventor	Brodbeck et al.
Group Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	ARC 2882 N1 (3139-6225 11JS)

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		FALK et al., J. of Controlled Release, 44, 77-85.	
		FOLDVARI, et al., "Clinical Observations with Topical Liposome-Encapsulated Interferon Alpha For The Treatment Of Genital Papillomavirus Infections," Journal of Liposome Research, 7(1), pgs. 155-1 26 (1977).	
		MESIHA, et al., "Hypoglycaemic effect of oral insulin preparations containing Brij 35, 52, 58 or 92 and stearic acid," J. Pharm. Pharmacol., 33, pgs. 733-734 (1981).	
		REMINGTON'S Pharmaceutical Sciences, Eighteenth Edition, pages 1647 1653 (1990), Mack Publishing Company, Easton, Pennsylvania.	
		WESTERBERG et al., International J. of Pharmaceutics, 69, 129-141.	
		International Search Report dated 01/05/2001 (4 pages).	

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.